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193

REMARKS ^{5/-}

On a PAMPHLET lately published

By the CLERGY of the Diocese of
LONDON, under the Title of

A DEFENCE OF THE EXAMINATION

Of A Book, entituled,
**A BRIEF ACCOUNT of many of the
PROSECUTIONS of the People call'd
Quakers, &c.**

So far as the said CLERGY are concerned in it.

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NAT.
LIB.
WALES

REMARKS

On a late PAMPHLET intituled

A DEFENCE

OF THE

EXAMINATION, &c.

SECT. I.

Remarks *on the Answer to the FACTS.*

THE Defender comprehends whatever is said by way of *Answer* to the Quakers Vindication, under two general Heads, viz. 1. THE FACTS, and 2. THE REASONINGS. A politick Procedure, to secure his Attack, by separating the Reasonings from the Facts which support them. We shall attend him in his own Way, and endeavour to shew that they are singly sufficient to withstand his *united* Force and Fraud.

The *Defence* begins with the *Reply* of **Titus Wendy** Vicar of Stebbing, whose Reasons for prosecuting in the Exchequer we have shewn, *Vindication* pag. 19, 20, to be incon-

inconsistent with each other: Instead of reconciling, he repeats them, with *I solemnly declare : I am ready to make Oath.* Of what ? That the Justices refused to act. He owns they did act for some Years, and assigns no reasonable Cause for their Refusing : The most probable One we can think of, is, that his * Claims grew exorbitant, and that their *Refusal to act* implies no more, than that they refused to act as he would have them.

He pretends an " Impossibility of coming to " the Knowledge" of his Tithe : How then did he come to fix a Demand in those Years when the Justices did act? But passing by his little Shifts and Evasions, let us attend his grand Reason, which he expresses, *Defence* p. 6, 7. thus, " I here publickly declare it to the " World, and it was this : That I hoped one " Prosecution carried on to Effect, would make " Peace and good Neighbourhood for the " Term of my Life ; and as I had heard of " several such like Instances, so it has in some " measure answered my Expectations ; for se- " veral Quakers, after that Law-suit, did com- " pound for their Tithes, and pay them regu- " larly ; and there are not above two or three " that now give much Trouble."

In

* We are inform'd that he claim'd Tithe of things not usually Tithable, as an Osier-Ground, &c. and which, had they been Tithable, did not belong to him.

In this the Vicar seems to have shewed us all his Heart, and discovered the *real Cause*, why he, and others, none of the best, of the Clergy, decline the Method of proceeding before the Justices, and chuse that of the *Exchequer*, because the latter is more terrible in its Effects, more apt to make Examples of some, and terrify others from the Exercise of their Consciences : This is the Vicar's Method of making Peace and good Neighbourhood ; but he has not shewn us what we ask'd for, *Vind.* p. 14, *Where is the Christianity or even Humanity of sacrificing a Man, his Estate, or Liberty, with such a dreadful Design !*

" As for Revenge, he says, I utterly disclaim " it ; " but practises it most effectually.

In Words he *prays*, but, in Deeds *persecutes*, for the *Quakers* Conversion.

To prove, that when he prosecutes the *Quakers* in the *Exchequer* he is " not actuated by " Revenge, nor has any Spleen or Pique a- " gainst them," he tells us, that he buys Hops and Malt of 'em without any Rancour or Ill-will.

His general Charge, that " They (the *Quakers*) stopt and insulted him on the Road with " the most opprobrious Language," is now confined to a certain *Quaker*, who, the Vicar says, " was well known to treat all Clergymen, " where ever he met them, with Scurrility " and

" and ill Manners." This, if true, no other *Quaker* will defend: But the Vicar neither names the Man, nor what Provocation himself gave him.

Our Aged Friend, whom he turned out of the Road, he charges with using coarse *Language*, yet denies not that his Words were as mentioned, *Vind.* p. 22, *Art not thou an imperious Man to turn out loaded Horses?* Words not likely to have been used without some such Act, as the Vicar now says, " he is not conscientious of."

His Charge against the *Quakers*, viz. " I have had threatening Notes thrown into my Yard, viz. *Remember Cæsar's Fate, &c.*" is now reduc'd to a threatening Note, which if they did not throw he can't imagine who did.

His Charge, that " the *Quakers* use all their Endeavours to hinder his selling the Goods taken by Distress," is now confined to a single Woman calling after a Man with a Parcel of Hogs.

To shew a Deficiency in the Seizures, he says, " They set too high a Value upon their Goods." As if the *Quakers* were their own Appraisers, which 'tis well known they are not.

He objects, that " One of them threatned to kick a Constable out of his House, for going a second Time to make good the Deficiency."

"*ciency.*" Which Expression we doubt the Truth of ; however the Case it self shews, that the Constable, probably at the Parson's Instigation, was then acting very illegally and without Warrant.

Though the Violence of the Vicar's Prosecution did oblige *Chapman* to sell his Estate to pay his just Debts, yet the Vicar will not admit that he *compelled* him to it, because perhaps he had rather have seized it all by a *Sequestration* for Tithe, though the Man's just Creditors had went unpaid.

The Account of *Chapman's* Wife's Death in Goal, the Vicar says, is *false*; but presently confutes himself, saying, "She had not been " in the Goal 24 Hours before she died."

To prove that his Prosecution did not ruin *Rawlins*, he shews us, that since the Man came out of Goal, he has been obliged to double his Diligence to get a Living.

If we mistook, in saying, he acknowledged a Threefold Prosecution for the Marriage Fee ; he may excuse it, since he needs as much Favour from us, for saying "*Walker* failed, and "*Chapman* lost all his Money." A point in which he has been misinformed.

In *Foster's* Case, the Parson and Lawyer are at Odds, the *One* affirms what the *Other* denies. Let them quarrel on, so the honest Farmer

may but live in Peace : Though, in such a Case as this, his Lot is very hard, who must either pay an *Attorney* for his *Pains*, or the *Parson* for *Nothing*.

P. S. The Vicar " defies us to prove, that
" he ever filed a Bill in the *Exchequer* against
" Stephen Chopping :" But, did he not *subpœna*
Chopping into the *Exchequer*, and afterward
drop the Proceeding ? Which is all we charge
him with in that Case.

NEXT is the *Reply* of Dr. Rumney, Vicar of the Parish call'd St. Peter's in St. Albans; whose *Christian Compassion* to a poor old Man, when in his Power to have imprisoned him, we have not only acknowledged, but recommended to the Imitation of his Brethren : But though we admit that the Doctor's *Charity* and *Tenderness* in stopping that Prosecution may *atone* for, yet we don't think it *justifies* the Severity of his beginning it. The One was an Exercise of his *Power*, the Other of his *Pity*. The Doctor, we presume, upon a mature Thought, will not affirm, that they equally favour of Christianity.

We never thought, nor design'd to make our Reader think, that the Doctor prosecuted Stevens more than Once. Nor did we insinuate any Failure in his Power to obtain what he claimed, but did and do ascribe his desisting from this Prosecution to *Christian Charity*, under

der the Influence of which he neither *would* nor *could* proceed therein, and which, were all the Clergy directed by, would effectually secure us from their *Exchequer Prosecutions for Tithes.*

The Doctor's Supposition, "that he had no Right to the *Oath or solemn Affirmation of the Party before the Justices,*" he will find taken Notice of in Sect. 2. of these *Remarks.*

WE come next to the *Reply of J. Jaumard Vicar of Bedfont in Middlesex;* who will needs have a *Typographical Mistake* to be a *wilful Error;* and *some time* to signify a *considerable time,* not a *short One.*

He attempts to prove *Gibson's Promise*, by referring to Persons who heard himself say that *Gibson* promised him.

To shew that the Justices favoured the Widow, he urges their Readiness to grant him more for his Trouble and Charge than he would take.

He calls it, *Trumping up a Certificate,* to produce a real One : He would have it thought incredible that the Justices allowed him much more than the Value of his Tithe ; which yet himself owns they would have done, saying, " I refused to take what the Bench would allow me for Trouble and Charge in the Suit." *viz. in the Ecclesiastical Court.*

If the Vicar, as he says, "had not a Farthing more than was ordered in the Warrant," yet the Goods taken might be worth much more; and if that was never mentioned till this Time, 'twas because the Vicar had not publickly proclaimed his Favours to the *Widow* before.

THE Reply of Francis Powel Rector of the Parish called *All Saints* in *Colchester*, objects to our supposing his Claim *doubtful* and *intricate*, though his own Words, that the Justices had "several Days Consultation about it" plainly import as much, and their *fixed Resolution* at last not to act upon *such Complaints* shews, that they thought them unjust.

In *Pitchford's Case* he owns the Prosecution, but makes Words about a Promise of *P. Haynes*, which yet he seems never to have expected the Performance of.

If, as he says, "most of the other Clergy in *Colchester* have never collected Easter-Offerings in their Parishes at all," we think it more reasonable to suppose none due, than that they are united against their own Interest.

And if none of them "make Demand upon the *Quakers* for Marriage or Burial Fees," 'tis certain that if they did, neither Law nor Equity would grant them.

The Rector acknowledges "three other
"Prose-

" Prosecutions which were not in our Account," but makes a Jest of our Remark on the Dread of Church Power, and the Apprehensions of perpetual Imprisonment; though he can't but know, that every Penny he has got by those Prosecutions was the pure Effect of such *Terror*, without which Church Censures would have little Weight.

THE *Reply* of *John Capon*, the present Incumbent of *Waltham-Abbey*, complains of a gross Misrepresentation where none is, and calls the *Vindicator* Jesuit, who never understood his Words in any other Sense than as himself explains them.

Though he had as good a Right to suppose he had a Title to *Easter-Offerings*, as the *Quakers* to suppose he had not, yet the Justices " declining to proceed in the Affair," turns the Scale on the *Quakers* Side.

He grants that the *Clerk*, to whom he says his Predecessor gave the Offerings, *could not oblige them* (the *Quakers*) *to pay*," whence there is Reason to think that his Predecessor's Title to them was not good: For if he had a Right to transfer his Claim, why not also his Power of recovering it?

We mentioned what we thought the true Reason of his dropping the Suit, *viz.* " The Defendants exhibiting in their Answer the
" Paper

" Paper of Exemption : " But this, though 'tis the main Hinge of the Controversy, he takes no Notice of.

He tells us, " That the Clergy of the *Church of England* have never wanted Charity for each other." Which is very well: But 'tis pity they have not enough for the *Quakers*, to prevent such a Misconstruction of theirs as he makes Use of.

DEENCE p. 28. In Dr. *Towerson's* Case, wherein we have shewn from their own Account, by the Date of the *Subpæna*, which is the first Step in an *Exchequer* Process, that the Suit commenced after the *Act* took place : The *Reply* is a meer Quibble, *viz.* " That it might be set a foot (for that it seems is the Examiner's Term of Art) before" it commenced.

Ibid. p. 29. To prove that *Gray* and *Mabank*, when conven'd before the Justices, told *them*, That *they were prepared to try their Cause at Law*: *Bradley* the Sexton now certifies, that *Gray* said something like it to *him* at another time.

We are charged with " setting up our own private Accounts against a Report from the publick Records," but in that we don't oppose the Records, which may be *true*, when the Report about them, as we have shewn, has been utterly *false*.

If the *Imprisonment* of four Persons don't prove a *Proceeding* against them, we cannot tell what does.

Ibid. p. 30, 31. In the Case of *Mary Cooke* and *Henry Smith* of *Halsted*, whom we prov'd by Certificate to have been *honest*, *peaceable* and *inoffensive* Persons, we are now told, that the "Characters of *obstinate* and *troublesome*," "are to be understood in a limited Sense," though the Parson had expresst himself in the most extensive one, *viz.* That 'twas "the general Character they had left behind them among the People."

To clear the former Incumbent, *Murdock*, of "Enmity and ill-will to the *Quakers*" in prosecuting them; a Story is told on a very slender Hear-say Evidence, which, if true, only tends to shew, that he did it for *Revenge*, because they "drew up a Petition against him."

Ibid. p. 32, 33. The Vicar of *Fulham*, instead of reconciling his own Inconsistency, would artfully retort it upon the *Vindicator*, as if he had said, that "*Orchard* was of a flexible "condescending Temper," when he only shew'd that the Vicar did represent him as such.

The Testimony of *Warman Orchard* is now given up by the Vicar as "of no great Credit to either Party." By our saying, "That by taking improper Methods he reduced himself," the Vicar would have us mean, "that he

" he married a Woman of the Established
 " Church," when indeed we meant no other
 than what the Vicar says of him, *viz.* that he
 is " a bad OEconomist, a weak Man, and
 " much given to Drink."

If John Orchard gave a remarkable Instance
 of his *abusive Tongue*, what's that to the *Quakers*, who, the Vicar owns, did " reprimand
 " him for it." And 'tis quite foreign to the
 Affair, since Dr. *Dwight* did not prosecute
 him in the *Exchequer* for an *abusive Tongue*, but
 for *not paying Tithes*.

Ibid. p. 35. In *Parmentor's Case* the Incum-
 bent makes a most uncharitable Construction,
viz. that his " Direction to his Son to pay his
 " just Debts," was a Proof of his own Dispo-
 sition not to pay them.

In the *Cripplegate Case*, *Defence* p. 35 to 43,
 Reasons are pretended for Dr. *Bennet's* prosecu-
 ting for an unreasonable Demand : Extracts
 from a *threatning Letter* to his Parishioners are
 produced, to shew he was *not vexatious or op-*
pressive : And to prove that *Tithes of Houses*
 in the *Middlesex Part* *there are legally due*, Co-
 pies of old Papers are insisted on, which yet the
 Producer himself doubts, *whether they would be*
admitted as Evidence in any of our present Courts
of Law or Equity, but at the same Time pays
 so fine a Compliment to those Courts, as to
 affirm positively, *That they will be Evidence to*
all reasonable Men. An Assertion which seems
 to

to make him guilty of what he rashly charges on the *Quakers*, viz. " In this Instance at least, " to serve a present Turn, boldly asserting, " what he does not know to be true."

In *Daniel Aylet's Case, Defence* p. 43, we are charged with offering " a bare Presumption against a positive Assertion," when the Truth is, we advanced a plain undeniable Matter of Fact against a mere groundless Inference of our Opponent.

In *Benjamin Batt's Case of Ware, Defence* p. 44, we had discovered a little Fraud made Use of in the *Examination*, which appearing indefensible, is now called " a Matter of very small Consequence."

The omitted Case of *James Laurence of Cheshunt*, is now inserted in the *Defence* p. 44, 45. but 'tis not denied, that he was at the time of Prosecution " a poor Day Labourer, and " the Parson's Demand but 8d *per Annum*.

Of 39 Cases, which contain the Prosecutions of about 100 *Quakers*, objected to in the *Examination*, and those Objections answered in Sect. 2. of our *Vindication*, the *Replier* takes notice of only about Nine of those Cases wherein about 15 Persons were concerned. The Examination of all the Rest, as to the Facts, is left refuted without Defence.

But to proceed, We refer'd our Reader to *Malden* for the Habitation of *John Raven*, not of his *Prosecutors*.

The Incumbent of *Woodford*, *Defence* p. 46, 47. says, "If every Gentleman in the Parish " was to use me as he (*John Taylor*) did, the " Living would decrease in Value near 30l. a " Year." But certainly, the with-holding his Pay would not be equally reasonable, in those Gentlemen who are his Hearers, as in *John Taylor*, who was not.

The Incumbent of the Parish called *St. Peter's* in *Colchester*, in his Answer, p. 48. does not prove that he had any Right to the Gardener's Tithe, which in Justice he should have been fully assured of before he had received either the poor Man's Money or Goods. That the Gardener "for a Year or two last past has " refused to let him have any Thing," was the Incumbent's own Assertion, which he now represents as a Mistake, chusing rather to grant his own Assertion *false*, than our Inferences from it *true*.

If the Account from *Great Oakley* in p. 86 of the *Examination* was not taken from that in p. 53, yet to make both credible, it should have been consistent with it : And if this Case was not mentioned in the *Brief Account*, yet, being mention'd in the *Examination*, it was within the *Vindicator's* Province.

The Incumbent of *West-Ham* supposes himself injur'd by our taking his Expressions in the plain Sense of the Words, which are "There are several *Quakers* in the Parish of *West-Ham*, and all of them pay Tithes to the Lay-Proprietor without disputing." What *All* is this, but *All* the several *Quakers* in *West-Ham*? If he would not be understood so, he should not have said so. But though we may admit, upon his telling us, that his Meaning differs from his Words, yet we don't admit even that Meaning to be true, as our Note thereupon, *Vind.* p. 114, shews. The Incumbent will not admit his Account concerning Capt. *Hankey* to be partial, though 'tis plainly a Case where both Sides can't be heard.

The Account from *Barking*, *Exam.* p. 89. is proved false by the Incumbent's own Relation, *Defence* p. 52.

The Account from *Gestlingthorp*, *Defence* p. 53. confirms what we supposed, *Vind.* p. 116. viz. "Perhaps the Man in neither Case lives up to his Profession, but may act against his Conscience through the Terrors of Ruin and Imprisonment."

We said, *Vind.* p. 117. that "no Church-Rates had been in the Parish of *Tottenham* for seven Years last past." The *Defence* informs us, that the last collected in that Form was in 1723, which is fourteen Years ago. And that "ever since the Church and Poors

" Rates were blended together and collected " in one Article," that is, under the Title of the Poors Rate only ; and that there have been but three such *Blendings* (or rather *Blindings*) in fourteen Years Time. So that they collect no Rate but for the Poor, and if they include other Charges therein to escape the *Quakers* Observation, 'tis more reasonable to think that they do it to *ease* themselves, than to *humour* the *Quakers*.

The Incumbent of *Birdbrook*, to prove, what he had asserted, that *Francis Mayhew* paid, or satisfied, his Brother's Tithe till the Year 1714, brings the said *Mayhew's* own Testimony, which shews, that he left off to do so in 1703,

Again, to prove that the *Quaker* " in the " Year 1714 refused that Method," he now brings Witness to shew, what the *Quaker* did since himself became the Incumbent, which was not till the Year 1719.

But though he has fully convicted himself of Falshood, yet instead of honestly confessing his Fault, he imputes it to the Failure of his Informer's Memory,

The Clergies usual Charge against the *Quakers* is, that they are *obstinate* and *oppose the Laws* : But this Incumbent makes a contrary Inference, *viz.* " The *Quakers* Compliance " but with the *Face of Authority*,"

S E C T. II.

REMARKS on the DEFENDER's Answers to
the Reasonings of the QUAKERS.

‘T IS said, *Vind.* p. 3. that the Clause in the Act (7, 8, K. W. 3.) for the Recovery of *Tithes* and *Church-Rates* from *Quakers*, was inserted in Favour of the Clergy, and at their Request. “ No doubt, *says the Defence*, to “ suggest the Inconsistency and Unreasonable-“ ness of the Clergy’s opposing the late Bill.” It was not only to suggest, but to manifest, the Inconsistency and Unreasonableness of such of the Clergy as have abused that Favour of the Legislature, by returning to those old and severe Methods of Prosecution which it was intended to prevent: And which it was then thought injurious to the *tender Characters* of the Clergy to suppose they would afterward make Use of. ‘Twas well known, that when that Favour was first granted the Clergy, their Restriction to it was moved for; but one of the principal Bishops rejected the Motion as unnecessary, with a Reproof to him that propos’d it, for insinuating a Possibility of the Clergies doing that, which ’tis evident they have done Hundreds of Times since.

We are told, *Defence* p. 8. “ That the *Cha-“ racters* of the Clergy are of a more tender
“ Nature

" Nature than those of other Men." Had this been true, the Clergy should have been the more careful of giving Occasion of Reproach by their peculiar Concern for the Methods of Oppression : But some Men think, that the *Characters* of Merchants and Traders are more tender than those of the Clergy ; because their Interest generally rises and falls with their Reputation : whereas persecuting Clergymen, by lessening their *Character*, may augment their Maintenance.

We are told, " That in the Payment of Tithes, *Quakers* are known to make a great Distinction between the Incumbent and Lay-Impropriators and Occupiers." Which is not true of the *Quakers* in general ; though perhaps some may think such a Distinction warrantable; because, *Laymen* claim Tithes by Paternal Inheritance, but the *Clergy*, as Ministers of that Gospel by which they are forbidden.

If " the Loss of Tithes, and other Dues, fall heavy upon a poor Vicar," that can be no Reason for his Opposition to a Bill for enabling him to recover them without Charge.

A *Necessity* is pretended, of having Recourse to the stated Courts, for three Motives ; 1st. If the Justices refused to act. 2d. If the Tithes were of such a Nature that the Particulars and the Valuation thereof could not be known and adjusted without the Oath or solemn Affirmation of the Party. 3d. If a particular

" particular *Quaker* had been notoriously perverse and abusive in his Behaviour toward " the Incumbent."

The first of these Motives either reflects on the *Character* of the Justices, as refusing to act *justly*; or on the Parson's, as claiming otherwise. Which of the two is most probable?

The * Second supposes, that the Justices have not Power to examine upon the *Oath* or *solemn Affirmation* of the Party: This is a Motive which many of the Clergy have insisted on, but with how little Reason, may appear from the Words of the Act of 7 & 8 K. W. 3. commonly called the || *Affirmation Act*, viz. " And where-
" as by reason of a pretended Scruple of Con-
" science, *Quakers* do refuse to pay Tithes and
" Church-Rates, be it enacted by the Autho-
" rity aforesaid, That where any *Quaker* shall
" refuse to pay or compound for his Great or
" Small Tithes, or to pay any Church-Rates,
" it shall and may be lawful to and for the
" Two next Justices of the Peace of the same
" County (other than such Justice of the Peace
" as is Patron of the Church or Chapel whence
" the said Tithes do or shall arise, or any ways
" interested in the said Tithes) upon the Com-
" plaint of any Parson, Vicar, Farmer, or
" Proprietor of Tithes, Churchwarden or
" Church

* This Motive is frequently insisted on in the Defence, and particularly by Dr. Rumney. p. 13.

|| The very Act wherein the Favour of a more easy Method was granted them.

" Churchwardens, who ought to have, receive or collect the same, by Warrant under their Hands and Seals, to convene before them such Quaker or Quakers neglecting or refusing to pay or compound for the same, and to examine upon Oath, which Oath the said Justices are hereby empowered to administer, or in such manner as by this Act is provided, the Truth and Justice of the said Complaint, and to ascertain and state what is due and payable by such Quaker or Quakers to the Party or Parties complaining." Here is a Method of ascertaining the Particulars and Valueation of the Tithe, by examining the Parties on their Oath or solemn Affirmation without a Prosecution in the *Exchequer* or *Ecclesiastical Courts*, which may serve to remove that plausible Pretence of Necessity, under which the Clergy would shelter their *tender Characters* from the deserved Imputation of Severity.

Their *third Motive* is a *Motive with a Vengeance*: Shall a Parson, whenever he supposes a *Quaker* perverse or abusive, (which he may be apt to suppose when he is only told the Truth) pursue his Prejudices by a violent and expensive Prosecution, not necessary to the Recovery of his Claim, but purely to satiate his Revenge? Whether such a Proceeding be Christian or not, is a Question that will admit of no Dispute where Clergymen are not concerned.

The *Defender*, p. 59, calls it "amazing that we should suggest a Design in the Examiner

" aminer to mislead and impose upon the Reader," when he had by an artful Miscalculation represented 117 Prosecutions as only 30; and to excuse such a Proceeding, 'tis now said, that " it was not at all material whether *One* " or *more* Quakers were included in the Prosecution ; " but we think it very material, because in such Prosecutions every Man's Cause is distinct, and One of them is not answerable for the Others Tithe ; so that 'tis a great Mistake in this *Defender* to assert that " their Concern in " it was one and the same." Nor is the Reader secur'd from the fraudulent Design of the Examiner's *first Section*, by his transcribing " the Name of every individual *Quaker*" in other Sections where he could not well avoid it.

We never suggested, that " the Patience and " Forbearance of the Clergy was to prepare the " Way for a severer Prosecution," except where such Prosecution did actually follow : And if our demonstrating *Malice* from pre-meditated *Acts* of Severity must be called *cruel*, how much more do they merit that Imputation who practise them ?

If when 'twas said, that " the Clergy of *Col-*
" *chester* make no Demand upon the *Quakers*
" for *Easter-Offerings*, or for Fees of Marriage
" or Burial," we did infer, that " there were
" none legally due," that Inference, as to the
two last, viz. *Marriage* and *Burial*, was very
just, there being no legal Claim in such Cases
where nothing is done, and therefore to prose-

cute for 'em both is *unreasonable* and *unjust*. We objected not to their claiming every Year, except in the Case of a particular *Parson*, well known to be a troublesome One. And we still think, that if any Clergyman shall forbear several Years on *purpose* to prepare the Way for a *severer* Prosecution, he gives a clear Demonstration of his *Malice*.

The *Defender* owns, p. 60, "that the *Act* does not forbid the *Justices of Peace* to determine, unless the Title of the *Tithes* be in question," nor does he oppose the Truth of what he calls our Comment, viz. "Unless a Party concerned call it in question." But tells us, that "the Incumbent might certainly know that the Title must be the Thing in question," which gives us Occasion to repeat what we have already said, *Vind.* p. 11. viz. "To talk of the Title to the Tithe being in question, when the *Quaker* did not dispute it, proves nothing, but that the Parson conscious of the Injustice, or distrusting the Justice, of his own Claim, chose the most terrible Way of Proceeding as the most likely Means to compel a Submission to it."

In Defence of the *common*, though *unchristian* and *inhuman*, Practice of prosecuting *One* for an Example to *Others*, we are told, p. 61, "This, there, is plainly limited to Cases where the Title is clear, and the Refusal obstinate." But the *Clearness* of the one, and the *Obstinacy* of the other, the Parson will assume the *Prerogative*

rogative of deciding, though no body can be more subject to mistake them.

The *Defender*, p. 62, 63, objects to our arguing from Possibilities and Conjectures, a Method he seems to claim as a peculiar Privilege of the Clergy, for he denies its "holding equally on both Sides." But he should have considered, that our opposing probable Conjectures to their improbable ones, was a reasonable Proceeding; whereas we have fully shewn, that the Clergies raising a Mist of meer Imagination to obscure the clear Evidence of plain Facts, is not so.

We think, that in referring to living Persons for the Circumstances of Things they knew, we acted more rationally than they, in referring to Hearsay Stories from the Dead.

We have shewn, *Vind.* p. 98, 99, that "the Quakers had printed, published, and presented to the Parliament, several Accounts of their *Suffering Cases*, while the Facts were fresh in Memory, the Persons concerned living, and the Circumstances easy to have been enquired into." But, says the *Defender* p. 64, "We cannot tell, whether the Clergy were at all concerned in them," though we had transcribed some Instances wherein they were. He says also, that "what they call Accounts, were only PAPERS presented to the Parliament," than which what could be more publick? Is it possible that *Papers* relating to

Tithe, presented to the Lords and Commons in Parliament, could escape the Knowledge of the Bishops and Clergy?

We are told, *Defence* p. 64, that "the Instances out of other Dioceses, in due Time, may undergo the same Examination that those in the Diocese of London have already done." *In due Time*: What Time? They have taken already more than double the Time those of London did: Either these ran before *due Time*, or the Others stay beyond it. But probably by *due Time* they mean their *Own Time*, saying, "It will be Time enough to to judge of *them* [the Grievances complain'd of] when it appears, what Accounts the Incumbents within their respective Dioceses shall give of Facts and Circumstances." What egregious Trifling is this? Will the Clergy presume to prescribe to the Legislature, as a *due Time* for judging of *Grievances*, a Time which is in their own Option whether ever it shall come or not? One may very reasonably apprehend, that if the Clergy could be assured the *Parliament* would protract the Time of granting Relief to the *Quakers* till their Accounts come, they would never produce them, notwithstanding their great Regard for the *Tenderness* of their *Characters*.

The *Defender* objects to our *Memoirs*, that they depend "most probably upon the Relation and Credit of the Person prosecuted." Probably so indeed: For when did any *Prosecutor*,

tor, or Persecutor, transmit to Posterity a credible Account of his own Severity or Antichristian Practices ? The Prosecuted related what they felt, and the *Sufferings* themselves were of so publick a Nature as might remove all Suspicion of Falshood. The Points of Fact are so far from being “against the Records of the *Exchequer,*” that even the *Examiner’s Agents*, who, doubtless, look’d without any Desire to find, have found almost all the Prosecutions to be mentioned there : And ’tis well known, that the Records don’t mention the Charges the Defendant is put to by such Prosecutions, which to a poor Man are very heavy, though the Proceedings be short, and quite ruin him, when they are long.

The *Defender* urges, p. 65, that where *Quakers* were prosecuted together with others, there could be “no *Enmity* or *Ill-will* against the “*Quakers as such.*” Though he cannot be ignorant that an easier Method in that Case might be used with them than with others. ’Tis observable too, in these Cases, that the Prosecution has sometimes gone on against the *Quakers* when the Others have avoided it.

He seems offended, p. 66, because we represent *common Prosecutors* as *common Enemies* : which yet we forbear to retract, till we meet with the Man that will call them *common Friends.*

He cites, *Defence* p. 66, 67, several Passages from the *Vindication*, which exhibit such *plain, homely*

bomely Truths as he can neither relish nor confute ; but observes,

“ 1st. That they are no way pertinent to the
 “ Point in hand, any more than their long
 “ Quotation about the Nature of the Clergy’s
 “ Property, and the Insufficiency of Human
 “ Authority to make Laws for the Payment of
 “ Tithes.”

The Unreasonableness of exacting *Tithes* ;
 the Unacceptableness of forced Offerings in the
 Sight of God ; The Injustice of a Man’s reaping
 where he does not sow ; The Honour of the
 Clergy in being free from Covetousness ; and
 the deserved Commendation of the *Quakers* for
 asserting Christian Freedom, and rejecting Jew-
 ish Bondage ; are with him Impertinencies be-
 neath his Notice. He turns the deaf Ear to all
 Distinctions ’twixt Law and Property, because
 his Claim to Tithes is too nice to bear them.
 But he adds,

“ 2. That the suggesting these Things, in a
 “ Recommendation of themselves and their
 “ Cause to the Two Houses of Parliament,
 “ evidently shews, that their *Views* do not fi-
 “ nally terminate and rest in the *more easy Re-*
 “ *covery of Tithes and Dues.*”

What a Discovery is this ! Can any Man of
 Reason think that the *Quakers* Judgment con-
 cerning Tithes depends on the Manner of re-
 covering them ? They do, as they ever did,
 esteem

esteem them a *Legal Ceremony* abrogated by the Gospel of Christ: A Yoke of Bondage, which their dutiful Submission to the Laws in being obliges them to bear: Their present Request is, *That this Jewish Burden, heavy in itself, may not be made insupportable by the additional Severity of their Taskmasters*: But how tyrannical are they, who can object against giving Men Relief under their Burdens, because they have *ultimate Views, viz.* Distant Hopes of laying them down at their Journey's End.

S E C T. III.

TH E *Defender* has past by the far greater Part of the *Remarks* and *Quotations*, made or produced by us to shew, what an *erroneous Nation* concerning *Right* and *Property* the Clergy have entertained, and the *Poor Vicar's Plea* was grounded on: These he calls *impertinent*; because perhaps by him *unanswerable*.

He mentions our Remarks on his reciting *Obsolete Romish Laws*, but he neither repeats one Third Part of what we said, nor confutes one Word of what he has repeated.

He tells us, p. 69, that *Vicars* "ought not " to be deprived of the Benefit of the *Ecclesiastical Courts*, and this for many Reasons." What Reasons?

I. "The

1. "The Nearness of the Court." Though the two next Justices are generally *nearer*.

2. "Their Inability to engage in long and expensive Suits in the *Chancery* and *Exchequer*." Which Suits are not at all necessary, the Law having provided him a short and unexpensive Method.

3. "The Impossibility in many Cases of ascertaining the Value of small Tithes, without the *Oath* or *solemn Affirmation*." Which we have shewn that the Act (of 7 and 8 of K. W. 3.) impowers the Justices of the Peace to administer.

These are but superficial Reasons, the next is a substantial One, and the *real Anchor* of the *Parson's Hope*, viz.

4. "Few *Quakers* are so deeply preposseſſed against Tithes, as to hazard the going to Goal, rather than make Satisfaction, or employ a Friend to do it; nor so resolute as to withstand the Importunities of Relations, who have forty Days to work upon them, and at last do frequently answer the Demand for them either out of Kindness, or in hopes to be repaid in some Shape or other, rather than suffer Things to come to an Extremity."

The plain Import of all this is, that if the Terrors of a Goal will not force the *Quaker's* Conscience to pay; yet the *Cruelty* of the *Parson*

son may excite the Charity of a Christian to lay down the Money, rather than suffer his Neighbour to perish in a Goal.

Is there not the same Difference betwixt the Conduct of such a *Parson*, and such a *Christian Man*, in this Case, as between that of the *Decimating Levite* and the *pious Samaritan*, Luke x. 30—37? And do not such Proceedings more sensibly pierce the *tender Characters* of the *Clergy*, than any *Reflection* of the *Quakers*?

We take no Notice of his observing the Numbers imprisoned by Process out of the *Ecclesiastical and Temporal Courts*, because we don't know to what Purpose he does it.

To obviate Bishop Burnet's Opinion concerning the *Ecclesiastical Courts*, he gives us the same Bishop's Relation concerning *George Keith* and the *Quakers*; but omits to mention a very material Difference in those Cases; which is, that the *One* has been long since *refuted by the *Quakers*, but the *Clergy* still permit the *Other* to be and abide in full Force and Vigour.

What the Bishop says of the *Law of England* in general, has Relation to the Expence and Delay of Proceedings; but, of the *Ecclesiastical Courts*, he says expressly, “**Their Constitution is bad.**”

* See the Appendix to the Third Part of Alexander Arscott's Considerations of the present State of the Christian Religion.

S E C T. IV.

The CONCLUSION.

TH E *Defender* in the Close of his Performance, is so modest, as to anticipate his Readers Judgment of it, by his own positive Assertion, that “the foregoing Observations “ are fully sufficient.”

“ As to the Points untouch’d,” which are many, he leaves them to the Reader, with this Remark, that they are “ generally such as rest “ only upon probable Conjectures, or such as “ have no relation to the Merits of the Cause.” A Concession which implies an Acknowledgment that the much greater Part of the *Examination* is of that Sort, and by plain Consequence, that the Generality of the Objections made to our printed Cases are uncertain or impertinent.

As to our *Reflections* on the Clergy, we know of none but what are naturally deduceable from their own Words and Practices; nor do we think it at all “ unsuitable to a *Meek, Calm* “ and *Quiet Spirit*,” to express a just Resentment of *angry, rough and turbulent Prosecutions*.

We

We reflect not on the Clergy in * general; but readily acknowledge, *Vind.* p. 106, " That some of the Clergy are benevolent, good natur'd Persons, social and loving Neighbours, very honest and upright Men, who neither approve nor practise the Severities complain'd of." We only desire, that the Number of these may be enlarged by the Reformation of the Rest.

The Answer to the *Aldgate* Prosecution reaches not the Case, because, the *Quaker's* Non-appearance could be no Obstacle to the Justices Proceeding.

To conclude, The Sum of the whole Affair is, That the *Quakers* did represent to the *Legislature*, that " notwithstanding the *Summary Way* provided (for Recovery of Tithes and Church Rates by the Acts of 7 and 8 of K. W. 3d.) there had been prosecuted in the *Ecclesiastical* and other Courts, for Demands recoverable by the said Acts, above 1100 of that People, of whom near 300 were committed to Prison, and several of 'em died Prisoners."

This Grievance mov'd for Redress, which the Clergy only oppos'd, insisting on a *Specification of the Facts.*

E 2

The

* We justly distinguish in this Case, as do the holy Scriptures, in which are very severe Reproofs of covetous Pastors, &c. See *Isaiah* lvi. 11. *Jeremiah* xxiii. 1, 2. *Ezekiel* xxxiv. 3,—8. *Micah* iii. 5. *Mat.* vii. 15, 16, 17, 18. *Acts* xx. 29.

The Quakers complied, and published *A brief Account* of such Prosecutions, more in Number than at first represented.

An Examination of that Account, so far as related to the Clergy of the Diocese of London, was soon after published, by which it appeared, that upon comparing the Accounts of the Prosecutions of 117 Quakers by the Clergy within that Diocese, with the Records of the Courts, All of them (except two or three through a Mistake of Names) were found there. Thus the Reality of the Prosecutions is effectually confirm'd by those who searched to confute them.

In the said *Brief Account* are *Marginal Notes*, containing a Variety of *Facts* and *Circumstances*, some of them * very grievous, attending many of those Prosecutions, and taken from *Authentick Memoirs* entred in Writing at the Times they were transacted.

Upon this the Clergy of the Diocese were excited to stir up the *Memories* of their Parishioners

* Many of the Prosecutions did issue in ruinous Sequestrations or Imprisonments; as it was the plain Tendency of all them to have done. If the destructive Consequence of some of them was prevented, either by the Terrors they inflicted, the Charity of Neighbours, or the Compassion (very rarely) of the Prosecutor, (as in the Case of Dr. Rumney, whose "Pity took place of his "Power," Defence p. 16) the Nature of the Prosecution itself was not alter'd by those Means of preventing the End it evidently tended to.

ners, as to these Prosecutions, with their *Motives* and *Circumstances*. They quickly furnished the *Examiner* with the natural Result of such an Enquiry, viz. *Hearsay-stories*, *wild Conjectures*, and *uncertain Accounts* of Things; and a Revival of old Scandal and half-forgotten Slander, on Persons deceased.

When the Clergy had stoopt to such low and ignoble Methods, we were under some Necessity, in order to dispel the Mist they had raised, to make Counter-Enquiries into some minute and trivial Circumstances, otherwise beneath, either our Inclination, or the Dignity of our Subject.

They now blame us for following whither they led, and call our plain Detections and just Censures of their *mean and little Arts*, by the Name of “Unworthy Reflections upon the Clergy,” which, says the *Defender*, “deserve a more severe Reproof than is fit to fall from the Pen of a Clergyman.”

“Tis well known that *Clergymen* have sometimes dipt their *Pens* in *Vinegar*, and reprov'd with as much *Arimony* as any Men: If therefore he means by a *MORE severe Reproof*, a *Verbal One*, he need not distrust the Qualifications of the Clergy to administer it: But if by a *more severe Reproof*, he means, that *Sort of Reproof*, which, in the *Days of Darkness*, was the *dernier Resort*, and *last Weapon*, of offended *Clergymen* against the Truth, we heartily pity him,

him, and wish him endued with a more meek, calm, and quiet Spirit.

Let not the Clergy think, by multiplying Words without Knowledge, to divert us from the main Point we have in view, viz. *A Redress of the Grievance complain'd of*; a Grievance so dishonourable to the Clergy, as well as oppressive to the Quakers, that Reason would expect their joint Concurrence and Sollicitation for the Removal of it.

F I N I S.

E R R A T U M.

Page 12. line 16. for *Promise* read *pretended Promise*.



